

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-288

Complainant: No. 1297710482A

Judge: No. 1297710482B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 25, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 25, 2007.

This order may not be used as a basis for disqualification of a judge.

STATEMENT OF FACTS **CJC-06-288**

Instructions: Please use this form or plain paper of the same size to explain your complaint. In your own words, describe specifically what the judge did that you believe is misconduct. You should provide all of the important names, dates, times and places related to your complaint, but you do not need to cite the applicable canons of judicial conduct. Although you may attach additional pages, do not write on the back of any page. You may attach copies of any documents you feel will help us understand your complaint.

Your name: [redacted] Judge's name: [redacted] Date: **11-12-06**

ON OR ABOUT [redacted] **The hearing in Judge** [redacted] **court**
the one before my settle conference in Judge [redacted] **court. Judge**
[redacted] Made a comment as we were all leaving the court room. Quote
"I was already going to give you 6 years. That was before you didn't show
up to sentencing and before you committed another crime." End Quote
the exact number of years and the specifics of before this and before that in
open court in front of prosecutor, showed a starting point and range for prosecutor
to begin at. this comment by Judge [redacted] was very bias, showed favoritism to
prosecutor and express judges predisposition and wish's for a higher sentence.
In [redacted] defendant wished to proceed pro-per.
defendant put in a timely Motion for this in [redacted] the next 3 court
appearances over [redacted] Judge [redacted] put off taking defendant
through pro-per Motion, by stating not enough time. when Judge finally
decided to grant Motion, Judge told defendant prosecutor was going to put a
Motion in to join two cases and that it was an important Motion. At this
time defendant did not have time to prepare for defense to prosecutors Motion.
Due to slow process of pro-per status going into effect, defendant did put a
timely Motion in to prepare a proper defence and was denied this by a delay
in making a ruling.

During suppression hearing defendant wanted to proceed pro-per, Judge [redacted]
denied request until hearing was over. during [redacted]
a witness [redacted] was on subpoena from A.D.C. [redacted]
[redacted] made her testimony and was sent home for the day, and Judge [redacted]
put an order to have her taken back to D.C. Defendant asked that
[redacted] be brought back for more questioning, and Judge [redacted] denied request
because he did not want to continue hearing until witnesses could be
brought back. [redacted] was subpoenaed from D.C. to testify she should not
have been sent back until hearing was over. this showed favoritism to
prosecutor because [redacted] was defendant's witness.

(Attach additional sheets as needed)

Defendant also asked for [] and all other witnesses to be brought forth to hearing and was denied this by Judge [] stating Judge would not hold up this hearing to bring witnesses to testify. What good is a hearing with all the witnesses not present. This issue of search and seizure was not by any means cut and dry by Judge [] own words. at this time at a Judicial standpoint of undecidedness Judge [] should have been more conscious to what more and other witnesses could have shared in coming to a ruling that was not in justice and based on allegations of warrants and warrants that was not true and easily provable if the other witnesses were aloud to testify, Judge [] ruled [] was wanted by police and that was probable cause to enter Hotel Room. [] and Detective [] testimony would prove [] did not have a warrant nor was she remotely wanted for questioning for any criminal act. all information to Judge [] was hear-say. the sole witnesses [] who are first hand witnesses were denied testimony. The information Judge [] used to make a ruling was hear-say, lies and presumptions. Defendant is being denied due process by Judges Ruling that [] had a warrant or want by police. when in fact its the complete opposite. [] face on flier was placed there to help locate a suspect. [] was not a suspect in that crime or any crime, [] was known from past history to be suspects boyfriend. police by Det [] own testimony during interview with prosecutor and defendants lawyer [] did not want

[] For nothing Not Even one question, This issue of a warrant or warrant and ruling of probable cause and articulated facts has denied defendant of Due process. There is a constitutional violation of a persons 4th amendment rights "to be free from Government intrusion in the sanctity of one's home". This right is in question and a substantial amount of evidence is readily available to prove it so. and it's the Judges Judiciary responsibility to be fair, competent and interpret and apply the laws that govern us. Judges must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. to make a ruling on false accusations of a person wanted to establish probable cause is undermining judicial duties. This is abuse of power. Without the warrant and wanted accusations, there is no probable cause to enter hotel room. Nor would there be any articulated facts to probable cause. Without probable cause this is an illegal search and seizure governed by our forefathers and framers of the constitution.

During hearing on [] on record, as court was about to go into recess until [] Judge [] informed prosecutor to look into exigent circumstances. This is judicial interference, favouritism and bias view of hearing. Anything not brought forth by both defence and prosecutor cannot be brought

Up on Appeal its the prosecutors responsibility to know their job and bring the avenue's of prosecution, and defences job to come up with avenues of defences. It is not the Judges responsibility to babysit prosecutor and guide them through to each and every avenue of prosecution. Judge [] tipped the scales of Justice in favour of prosecutor and interfered with prosecutor and defence attorney adversary roles. That comment tipped the scales of Justice by Judge letting prosecutor know where to focus next days hearing. If anything Judge [] should have delved into the controversial issue of the hearing, was [] wanted or not. That issue was brought out by both sides and is the foundation of illegal or legal part of search and seizure.

There is absolute proof that officers [] and [] gave false testimony on [] wanted status and the statements and information of a male positively identified in room with [] [] gave a deposition on tape and in front of prosecutor [] and defense attorney [] that he told police a person with black hair and could be a male or female, also gave testimony that he didn't even know if it was [] in motel room. Detective [] also gave interview on tape and in front of []

that he told officers [redacted]
[redacted] was not wanted for anything, Not Even,
Quoting [redacted] "Not Even for one question!"
End Quote. Det. [redacted] goes even further that
all accusations of [redacted] going to hotels and
downloading information was UNFOUNDED with NO
proof, only pure speculation from Det [redacted]
these are MAJOR discrepancies in testimony
that have substantial weight into which way
Judge [redacted] ruled. Defendant from day one
has brought these issues up before suppression
hearing in open court. to only fall on Deft ears,
defendant also stated suppression hearing how
important these witnesses are to the overall
evidence.

one little incident here one little incident
there over time can end up weighing insurmountable
in favour of prosecutor, all these incidents happened
over a year's time, and have accumulated into an
issue. The last incident on [redacted]
advising prosecutor to look into EXIGENT
circumstances, is beyond minor and should
retroactively validate minor past inaccuracies
here stated to show a trend of bias and favoritism
of these hearings of [redacted]

November 14th, 2006 [redacted]